IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NOs: 23020, 23138, 23139,

23151, 23168 and 23172 of 2004

W.P.NO.23020 OF 2004:

Between:

Patcha Ramanamma W/o Patcha Vengaiah,
R/o Guvvadi Village, Varikuntapadu Mandal, Nellore District

... PETITIONER

AND

1 The Mandal Revenue Officer, Varikuntapadu Village & Mandal, Nellore District
2 The Panchayat Secretary, Guvvadi Village, Varikuntapadu Mandal, Nellore District
3 The President, Guvvadi Gram Panchayat, Guvvadi Village, Varikuntapadu Mandal, Nellore District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner's land without following due process of law is arbitrary, unreasonable and violative of principles of natural justice and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land to an extent of Ac. 3.00 cents situated in survey No. 8 of Guvvadi Village, Varikuntapadu Mandal, Nellore District without following due process of law.

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W.P.NO : 23138 of 2004

Between:

Mynampati Sriramulu, S/o.Venkatasubbaiah,
R/o.Guvvadi Village, Varikuntapadu Mandal,
Nellore District.

... PETITIONER

AND

1 The Manadal Revenue officer, Varikuntapadu Village & Mandal, Nellore District.
2 The Panchayat Secretary, Guvvadi Village, Varikuntapadu Mandal, Nellore District.
3 The President, Guvvadi Gram Panchayat, Guvvadi Village, Varikuntapadu Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner's land without following due process of law is arbitrary, unreasonable and violative of principles of natural justice and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner’s land to an extent of Ac.3.00 cents situated in survey No.8 of Guvvadi village, Varikuntapadu Mandal, Nellore district without following due process of law.

W.P.NO: 23139 of 2004

Between:

Patcha Vengaiah, S/o. Patcha Venkaiah,
R/o. Guvvadi Village, Varikuntapadu Mandal,

Nellore District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Varikuntapadu Village & Mandal, Nellore District.
2 The Panchayat Secretary, Guvvadi Village, Varikuntapadu Mandal, Nellore District.
3 The President, Guvvadi Gram Panchayat,
Guvvadi Village, Varikuntapadu Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in directing the petitioner not to proceed with the cultivation on the lands assigned to the petitioner without issuing any notice is arbitrary unreasonable and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land an extent of Ac.3.00 cents situated in Survey No. 9 of Guvvadi Village, Varikuntapadu Mandal, Nellore District without following due process of law.

W.P.NO : 23151 of 2004

Between:

Mynampati Venkata Ratnam, S/o. Venkatasubbaiah,
R/o. Guvvadi Village, Varikuntapadu Mandal,
Nellore District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Varikuntapadu Village & Mandal, Nellore District.
2 The Panchayat Secretarty, Guvvadi Village, Varikuntapadu Mandal, Nellore District.
3 The President, Guvvadi Gram Panchayat, Guvvadi Village, Varikuntapadu Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner's land without following due process of law is arbitrary, unreasonable and violative of principles of natural justice and

consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land to an extent of Ac.2.43 cents situated in Survey No. 8 of Guvvadi Village, Varikuntapadu Mandal, Nellore District without following due process of law.

W.P.NO: 23168 of 2004

Between:

Mynampati Venkata Rao, S/o. Venkataiah,
R/o. Guvvadi Village, Varikuntapadu Mandal, Nellore District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Varikuntapadu Village & Mandal, Nellore District.
2 The Panchayat Secretary, Guvvadi Village, Varikuntapadu Mandal, Nellore District.
3 The President, Guvvadi Gram Panchayat,

Guvvadi Village, Varikuntapadu Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in directing the petitioner not to proceed with the cultivation on the lands assigned to the petitioner without issuing any notice is arbitrary unreasonable and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land an extent of Ac.3.00 cents situated in Survey No. 5 of Guvvadi Village, Varikuntapadu Mandal, Nellore District without following due process of law.

W.P.NO: 23172 of 2004

Between:

Mynampati Subbamma, S/o. Venkata Subbaiah,
R/o. Guvvadi Village, Varikuntapadu Mandal,
Nellore District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Varikuntapadu Village & Mandal, Nellore District.
2 The Panchayat Secretary, Guvvadi Village, Varikuntapadu Mandal, Nellore District.
3 The President, Guvvadi Gram Panchayat,
Guvvadi Village, Varikuntapadu Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in directing the petitioner not to proceed with the cultivation on the lands assigned to the petitioner without issuing any notice is arbitrary unreasonable and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land an extent of Ac.3.00 cents situated in Survey No. 5 of Guvvadi Village, Varikuntapadu Mandal, Nellore District without following due process of law.

Counsel for the Petitioners: MR.G.TUHIN KUMAR (in all)

Counsel for the Respondent No.1: GP FOR REVENUE(in all)

Counsel for the Respondent Nos.2&3: MR.D.SRINIVAS (in all)

The Court at the admission stage made the following :

COMMON ORDER:

The petitioners in this batch of writ petitions claim that they have been assigned various extents of land by the concerned revenue authorities. They complain that agriculture could not be carried on for the past few years on account of drought condition, and when they were taking steps to resume agriculture, the respondents are preventing them, without passing any orders.

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue.

The petitioners claim to have been assigned lands. As long as the assignments are in force, the assignees shall be entitled to put the land to use, in accordance with the terms and conditions of such assignment. If the assignees are found to have violated any condition of such assignment, it shall be open to the competent authorities to terminate the same, or to impose such conditions as are necessary. There cannot be any justification to prevent the petitioners from putting the land to use, without passing any orders. If the respondents find that the petitioners have violated any condition of assignment, nothing prevents them from terminating the assignments themselves.

Hence, the writ petitions are disposed of, directing that the respondents shall not interfere with the enjoyment of the petitioners over the land in question, as long as the assignments are in force and the lands are put to proper use. It shall, however, be open to the respondents to take steps against the petitioners either by imposing conditions, or to cancel the assignments, in case they are found to have violated any condition. Before taking any such steps, the petitioners shall be put on notice. There shall be no order as to costs.

14th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Mandal Revenue Officer, Varikuntapadu Village & Mandal, Nellore District.
2 The Panchayat Secretary, Guvvadi Village, Varikuntapadu Mandal, Nellore District.
3 The President, Guvvadi Gram Panchayat, Guvvadi Village, Varikuntapadu Mandal, Nellore District.

4 Two C.Cs to the Government Pleader for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad.(OUT)

5 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

6 Two C.D.copies.